

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
AUG 30 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

v.

CR 18 0404 CRB

MILES PETER MCDERMOTT,
ANGEL OCTAVIO PERAZA-GARCIA, and
ANTHONY MICHAEL MORAN,

DEFENDANT(S).

INDICTMENT

VIOLATIONS: 21 U.S.C. § 841(a)(1) – Distribution of Controlled Substance; 18 U.S.C. § 922(o)(1) – Possession and Transfer of a Machinegun; 18 U.S.C. § 922(j) – Possession of a Stolen Firearm; 18 U.S.C. § 922(g)(5) – Possession of Firearm by Illegal Alien; 21 U.S.C. § 853, 18 U.S.C. § 924(d) – Criminal Forfeiture;

A true bill.

Foreman

Filed in open court this 30 day of AUGUST 2018

Clerk

NO BAIL WARRANT

Bail \$

Kandice Westmore 8/30/18

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Ct. 1: 21 U.S.C. § 841(a)(1) – Distribution of Controlled Substance ☐ Petty
 Cts. 2 & 5: 18 U.S.C. § 922(o)(1) – Possession and Transfer of a Machinegun ☐ Minor
 Ct. 3: 18 U.S.C. § 922(j) – Possession of a Stolen Firearm ☐ Misdemeanor
 21 U.S.C. § 853, 18 U.S.C. § 924(d) – Criminal Forfeiture ☒ Felony

PENALTY: Ct. 1: Up to 20 years imprisonment; Supervised Release of 3 years to life; Fine of up to \$1 million; \$100 Special Assessment

Cts. 2, 3, and 5: Up to 10 years imprisonment; Supervised Release of up to 3 years; Fine of up to \$250,000; \$100 Special Assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

MILES PETER MCDERMOTT

DISTRICT COURT NUMBER

CR 18 0404

CRB

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA/ATF

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Nikhil Bhagat

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)

FILED

AUG 30 2018

IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Ct. 3: 18 U.S.C. § 922(j) – Possession of a Stolen Firearm
 Ct. 4: 18 U.S.C. § 922(g)(5) – Possession of Firearm by Illegal Alien

18 U.S.C. § 924(d) – Criminal Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Cts. 2 and 4: Up to 10 years imprisonment; Supervised Release of up to 3 years; Fine of up to \$250,000; \$100 Special Assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

ANGEL OCTAVIO PERAZA-GARCIA

DISTRICT COURT NUMBER

CR 18 0404 CRB

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Name of Assistant U.S. Attorney (if assigned)

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Date/Time:

Before Judge:

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AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

Ct. 5: 18 U.S.C. § 922(o)(1) - Possession & Transfer of Machinegun

18 U.S.C. § 924(d) - Criminal Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

Up to 10 years imprisonment; Supervised Release of up to 3 years; Fine of up to \$250,000; \$100 Special Assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

ANTHONY MICHAEL MORAN

DISTRICT COURT NUMBER

CR 18 0404

CRB

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA/ATF

☐ person is awaiting trial in another Federal or State Court, give name of court

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IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

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If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

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Date/Time:

Before Judge:

Comments:

ALEX G. TSE (CABN 152348)
United States Attorney

FILED
AUG 30 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

SEAL
COURT ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MILES PETER MCDERMOTT,
ANGEL OCTAVIO PERAZA-GARCIA, and
ANTHONY MICHAEL MORAN,

Defendants.

No. CR18 0404

CRB

VIOLATIONS: 21 U.S.C. § 841(a)(1) –
Distribution of Controlled Substance; 18 U.S.C.
922(o)(1) – Possession & Transfer of
Machinegun; 18 U.S.C. 922(j) – Possession of
Stolen Firearm; 18 U.S.C. § 922(g)(5) –
Possession of Firearm by Illegal Alien; 21
U.S.C. § 853(a) & 18 U.S.C. § 924(d) –
Criminal Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) – Distribution of a Controlled Substance)

On or about March 21, 2018, in the Northern District of California, the defendant,

MILES PETER MCDERMOTT,

did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, to
wit: a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-
piperidinyl] propanamide, commonly known as fentanyl, in violation of Title 21, United States Code,
Sections 841(a)(1) and 841(b)(1)(C).

INDICTMENT

18

1 COUNT TWO: (18 U.S.C. § 922(o)(1) – Possession and Transfer of a Machinegun)

2 On or about May 11, 2018, in the Northern District of California, the defendant,

3 MILES PETER MCDERMOTT,

4 did knowingly possess and transfer a machinegun, to wit: a 5.56 NATO caliber M16-type firearm, in
5 violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

6
7 COUNT THREE: (18 U.S.C. § 922(j) – Possession of a Stolen Firearm)

8 On or about May 16, 2018, in the Northern District of California, the defendants,

9 MILES PETER MCDERMOTT and
10 ANGEL OCTAVIO PERAZA-GARCIA,

11 did possess, sell, and dispose of a firearm, to wit: a Smith & Wesson .556 caliber M&P rifle bearing serial
12 number SR 21589, which had been shipped and transported in interstate commerce, knowing and having
13 reasonable cause to believe the firearm was stolen, in violation of Title 18, United States Code, Sections
14 922(j) and 924(a)(2).

15
16 COUNT FOUR: (18 U.S.C. § 922(g)(5) – Possession of a Firearm by an Illegal Alien)

17 On or about July 2, 2018, in the Northern District of California, the defendant,

18 ANGEL OCTAVIO PERAZA-GARCIA,

19 then being an alien illegally and unlawfully in the United States, did knowingly possess firearms, to wit:
20 a black Smith and Wesson .223 caliber AR-style rifle, a Diamondback assault-style pistol, serial number
21 DB1537849; a Mossberg 12 Gauge Pump Action Shotgun, serial number V0598543, and an FN (Canadian
22 Arsenal) .45 caliber semi-automatic handgun, serial number FX3V088146, which had been shipped and
23 transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(5) and
24 924(a)(2).

25
26 COUNT FIVE: (18 U.S.C. § 922(o)(1) – Possession and Transfer of a Machinegun)

27 On or about August 2, 2018, in the Northern District of California, the defendants,

28 MILES PETER MCDERMOTT and
ANTHONY MICHAEL MORAN,

1 did knowingly possess and transfer a machinegun, to wit: a MADDI 7.62 caliber RML firearm bearing
 2 serial number ES11882, in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

3
 4 FORFEITURE ALLEGATIONS: (21 U.S.C. § 853, 18 U.S.C. § 924(d) – Criminal Forfeiture)

5 1. The allegations contained in Counts One through Five of this Indictment are hereby re-
 6 alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to
 7 Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, and Title 28,
 8 United States Code, Section 2461.

9 2. Upon a conviction of any offense alleged in Count One, the defendant,
 10 MILES PETER MCDERMOTT,
 11 shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a), all right, title,
 12 and interest in property constituting and derived from any proceeds the defendant obtained, directly or
 13 indirectly, as a result of said violation, and any property used, or intended to be used, in any manner or
 14 part, to commit or to facilitate the commission of the violation, including but not limited to a forfeiture
 15 money judgment.

16 3. Upon a conviction of any of the offenses alleged in Counts Two, Three, Four, or Five, the
 17 defendants,

18 MILES PETER MCDERMOTT,
 19 ANGEL OCTAVIO PERAZA-GARCIA, and
 20 ANTHONY MICHAEL MORAN,
 21 shall forfeit to the United States, pursuant to Title 21, United States Code, Section 924(d), all right, title,
 22 and interest in any firearm or ammunition involved in or used in any knowing violation of Title 18, United
 23 States Code, Sections 922(g)(5), 922(j), and 922(o)(1) as listed in Counts Two, Three, Four, and/or Five,
 respectively, including, but not limited to, the following:

- 24 a. one 5.56 NATO caliber M16-type firearm possessed by defendant MILES PETER
- 25 MCDERMOTT on or about May 11, 2018;
- 26 b. a Smith & Wesson .556 caliber M&P rifle bearing serial number SR 21589;
- 27 c. a black Smith and Wesson .223 caliber AR-style rifle, a Diamondback assault-style pistol,
- 28 serial number DB1537849; a Mossberg 12 Gauge Pump Action Shotgun, serial number

V0598543, and an FN (Canadian Arsenal) .45 caliber semi-automatic handgun, serial number FX3V088146, and all ammunition seized in or with the firearms located at 655 John Muir Drive, Apartment 318, San Francisco, California, on July 2, 2018; and

d. a MADDI 7.62 caliber RML firearm bearing serial number ES11882 possessed by defendant MILES PETER MCDERMOTT on or about August 2, 2018.

4. If, as a result of any act or omission of the defendants, any of said property

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

any and all interest the defendants have in any other property, up to the value of the property described in paragraph 2 above, shall be forfeited to the United States pursuant to Title 21, United States Code, Section 853(p).


All in violation of Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461.

DATED: 8/30/18


A TRUE BILL.


FOREPERSON OF THE GRAND JURY

ALEX G. TSE
United States Attorney


THOMAS A. COLTHURST

Chief, OCDETF Section

(Approved as to form: )
Nikhil Bhagat
Assistant U.S. Attorney

3:18-CR-404-CRB

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. MILES PETER MCDERMOTT, et al.

CASE NUMBER:**This Case Under Seal?**Yes ☒ No**Total Number of Defendants:**1 2-7 ☒ 8 or more**Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?**Yes No ☒**Venue (Per Crim. L.R. 18-1):**SF OAK ☒ SJ**Is this a potential high-cost case?**Yes No ☒**Is any defendant charged with a death-penalty-eligible crime?**Yes No ☒**Is this a RICO Act gang case?**Yes No ☒**Assigned AUSA**

(Lead Attorney): Nikhil Bhagat

Date Submitted: 8/30/2018**Comments:**